

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JACK ALLEN WILSON,

CASE NO. 1:05-CV-00560-OWW-SMS-P

Plaintiff,

**ORDER FINDING SERVICE OF COMPLAINT
APPROPRIATE AND FORWARDING
SERVICE DOCUMENTS TO PLAINTIFF FOR
COMPLETION AND RETURN**

JEANNE WOODFORD, et al.,

(Doc. 1)

Defendants.

Plaintiff Jack Allen Wilson (“Plaintiff”) is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.¹ Plaintiff filed this action on April 26, 2005. The Court has screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A and finds that it states cognizable claims for relief under 42 U.S.C. § 1983 against Defendants Woodford, Doe 1, Corcoran, Wu, Kyle, Divine, Brooks, Suryadevara, and Martinez for acting with deliberate indifference to Plaintiff’s serious medical needs, in violation of the Eighth Amendment.² Fed. R. Civ. P. 8(a); Swierkiewicz v. Sorema N. A., 534 U.S. 506, 512-15 (2002); Austin v. Terhune, 367 F.3d 1167, 1171 (9th Cir. 2004); Jackson v. Carey, 353 F.3d 750, 754 (9th Cir. 2003); Galbraith v. County of Santa Clara, 307 F.3d 1119, 1125-26 (9th Cir. 2002).

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¹ Plaintiff also alleges tort claims under California law.

² In a Findings and Recommendations issued concurrently with this order, the Court recommended that Plaintiff's ADA and RA claims be dismissed from this action for failure to state any claims upon which relief may be granted.

1 Accordingly, it is HEREBY ORDERED that:

2 1. Service is appropriate for the following defendants:³

3 JEANNE WOODFORD

4 LANCE CORCORAN

5 DR. SHU PIN WU

6 DR. DAVID KYLE

7 M. DIVINE

8 BROOKS

9 DR. S. SURYADEVARA

10 G. MARTINEZ

11 2. The Clerk of the Court shall send Plaintiff eight (8) USM-285 forms, eight (8)
12 summonses, a Notice of Submission of Documents form, an instruction sheet and a
13 copy of the complaint filed April 26, 2005.

14 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
15 attached Notice of Submission of Documents and submit the completed Notice to the
16 court with the following documents:

17 a. Completed summons;
18 b. One completed USM-285 form for each defendant listed above; and
19 c. Nine (9) copies of the endorsed complaint filed April 26, 2005.

20 4. Plaintiff need not attempt service on Defendants and need not request waiver of
21 service. Upon receipt of the above-described documents, the Court will direct the
22 United States Marshal to serve the above-named defendants pursuant to Federal Rule
23 of Civil Procedure 4 without payment of costs.

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27 28 ³ The Marshal cannot initiate service on a Doe defendant. Once Plaintiff identifies Doe I, he shall notify the
Court.

1 5. The failure to comply with this order will result in a recommendation that this action
2 be dismissed.

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4 IT IS SO ORDERED.

5 **Dated: March 23, 2006**
6 icido3

7 /s/ Sandra M. Snyder
8 UNITED STATES MAGISTRATE JUDGE